CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Doris Clowney,

(b) County of Residence of First Listed Plaintiff Philadelphia County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Thomas S. Farnish, Esq.
LARRIMORE & FARNISH, LLP
1800 John F. Kennedy Blvd., Ste. 404
Philadelphia, PA 19103, tel # 215-209-8500

DEFENDANTS

Pierless Fish Corporation, Djmal Robert Minor (improperly pled as Robert Djmare)

County of Residence of First Listed Defendant Brooklyn, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*
Roberto K Paglione, Esq., TERKOWITZ & HERMESMANN, 309 Fellowship Rd., Suite 200, Mt. Laurel NJ 08054, tel #: 856-642-4012, e-mail: rpaglione@hanover.com

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☒ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☒ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities Employment
- ☐ 446 Amer. w/Disabilities Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 USC 1332

Brief description of cause:
motor vehicle accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $ 75,000+

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE
04/15/2015

SIGNATURE OF ATTORNEY OF RECORD
ROBERTO K PAGLIONE

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2371 NORTH OPAL ST., PHILADELPHIA PA 19132

Address of Defendant: PIERLESS FISH CORP., 5600 FIRST AVE., BROOKLYN NY 11220

Place of Accident, Incident or Transaction: ______

(*Use Reverse Side For Additional Space*)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes☐ No☒

Does this case involve multidistrict litigation possibilities? Yes☐ No☒

RELATED CASE, IF ANY:

Case Number: ______ Judge ______ Date Terminated: ______

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes☐ No☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes☐ No☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes☐ No☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes☐ No☐

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*
1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) ______

B. *Diversity Jurisdiction Cases:*
1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) ______

ARBITRATION CERTIFICATION

(*Check Appropriate Category*)

I, ROBERTO PAGLIONE, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 4-15-2015 [signature] Attorney-at-Law 87258 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4-15-2015 [signature] Attorney-at-Law 87258 Attorney I.D.#

CIV. 609 (5/2012)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DORIS CLOWNEY Plaintiff, v. **ROBERT DJMARE AND PIERLESS FISH CORP.** Defendants.	))))))	Case No.:

TO: THE HONORABLE JUDGES OF
THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PLEASE TAKE NOTICE that on this date, defendant, Pierless Fish Corp. and Djmal Robert E. Minor (incorrectly plead as "Robert Djmare") hereby files this Notice of Removal pursuant to 28 U.S.C. 1446(a), 28 U.S.C.A. 1332(a)(2) and 28 U.S.C. 141(a) together with all process, pleadings and orders as required by 28 U.S.C. 1446(a), true copies of which are attached hereto, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania.

Defendant, Pierless Fish Corp. and Djmal Robert E. Minor (incorrectly plead as "Robert Djmare") by their undersigned attorneys, respectfully shows this Court that:

1. The removing parties are Defendants in a civil action and are represented by the undersigned.

2. On or about March 12, 2015, plaintiffs commenced this case against the removing parties in the Court of Common Pleas of Pennsylvania, Philadelphia County, 150301665, March Term, 2015, and it is now pending therein. *See Complaint* (attached as Exhibit "A").

3. On or about March 19, 2015, the removing Defendant Pierless Fish Corporation ("Pierless") received a copy of the Summons and Complaint in this case.

4. No further proceedings have occurred in this case in State court.

5. The plaintiff's attorney has not made a monetary demand, other than alleging significant injuries and stating in the ad damnum clause of the Complaint that damages are sought in excess of $50,000. Exh. A, "Wherefore" Clause.

6. Because case law allows a Plaintiff to voluntarily limit her damages, defense counsel sent to Plaintiff's counsel a Stipulation to Limit Damages to $75,000 on or about April 10, 2015. See Correspondence and Proposed Stipulation (attached as Exhibit "B"). Defense counsel asked Plaintiff's counsel to execute the Stipulation and return it by April 15, 2015. To date, defense counsel has not received the signed Stipulation from Plaintiff.

7. Moreover, in her Complaint, Plaintiff asserts serious and permanent personal injuries including, but not limited to the following body parts: neck, chest, shoulders, back, knees upper and lower extremities, wrists, knees, internal organs, bones, muscles, tissues, nerves cells, severe shock to plaintiff's nervous system and depression. Plaintiff alleges significant limitations of use of a body function and system, with great pain, suffering and agony. Plaintiff has been prevented from attending to her daily duties and activities. Plaintiff has been required to receive and undergo medical attention. Upon information and belief, Plaintiff has undergone two surgeries to her upper extremities and may be undergoing a surgery to one of her lower extremities. Plaintiff also alleges that she has sustained medical expenses and wage loss in excess of the amount recoverable under the First party Benefit provisions of her insurance policy. Lastly, Plaintiff seeks recovery for property damage to her vehicle.

8. In light of the above, Defendant has a good faith belief that Plaintiff contends that the amount in controversy in this matter exceeds $75,000, exclusive of interest and costs.

9. Plaintiff is Pennsylvania resident, residing at 2371 N. Opal Street, Philadelphia, PA.

10. The Defendant Pierless Fish Corporation was at the time of the subject accident and now is a New York corporation with its principal place of business located at 5600 First Avenue, Brooklyn, NY 11220.

11. Defendant Mr. Minor (improperly pled as Robert Djmare) was at the time of the subject accident and is now a resident of New York State and has an address of 84 Carlton Avenue, Brooklyn, NJ 11205. Mr. Minor consents to the removal of this matter. It is not clear whether Mr. Minor has been properly served. If he is served, this same law firm will represent him.

12. This case involves plaintiff's allegations that the defendants were negligent in an automobile accident that caused the plaintiff to be injured, allegedly sustaining personal injuries. It appears the amount in controversy required pursuant to 28 U.S.C. 1332 is satisfied because of the nature of the alleged personal injury in this matter.

13. This Court has original jurisdiction of this case pursuant to 28 U.S.C. 1332, diversity of citizenship and the action may be removed to this Court pursuant to 28 U.S.C. 1441, in that there is complete diversity of citizenship and the amount in controversy exceeds $75,000, exclusive of costs and interest.

14. A copy of plaintiff's Complaint with Civil Cover Sheet filed in this case are attached as Exhibit "A". To the best of the moving party's knowledge, these are the only pleadings filed in the State Court to date.

15. This notice is filed with the Court within thirty (30) days after receipt by the removing parties of a copy of the Complaint in this case. Defendants expressly reserve their right to challenge the method of service as ineffective and to challenge personal jurisdiction over these defendants in the Courts of Pennsylvania.

16. Upon receipt of a filed Notice of Removal, this Defendant will provide a copy of the Notice of Removal to the Prothonotary of the Court of Common Pleas of Pennsylvania, Philadelphia County.

WHEREFORE, the removing parties pray that this case be removed from the Court of Common Pleas of Pennsylvania, Philadelphia County, to this Court pursuant to 28 U.S.C. 1441(a) and 1452.

Dated:

/s/ *Roberto K. Paglione*

By: Roberto K. Paglione, Esq.
PA Attorney I.D. # 87258
U.S.D.C. attorney filing code: RKP0575
Law Offices of Terkowitz & Hermesmann
309 Fellowship Road, Suite 200
Mount Laurel, NJ 08054
856-642-4012
rpaglione@hanover.com
Attorney for Defendants Pierless Fish Corp. and Djmal Robert E. Minor

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DORIS CLOWNEY Plaintiff, v. **ROBERT DJMARE AND PIERLESS FISH CORP.** Defendants.	:))) :	Case No.:

CERTIFICATION OF SERVICE

I hereby certify that on April 15, 2015 the within Notice of Removal on behalf of defendants, Pierless Fish Corp. and Djmal Robert E. Minor (incorrectly plead as "Robert Djmare"), was electronically filed with the United States District Court Eastern District of Pennsylvania and sent via regular U.S. Postal mail, and made available for viewing upon the following counsel of record:

Thomas S. Farnish, Esquire
Larrimore & Farnish, LLP
1800 JFK Blvd., Suite 404
Philadelphia, PA 19103
Attorney for Plaintiff

/s/ Roberto K. Paglione

Roberto K. Paglione, Esquire
Law Offices of Terkowitz & Hermesmann
309 Fellowship Road, Suite 200
Mt. Laurel, NJ 08054
(856) 642-4012
rpaglione@hanover.com

Dated: April 15, 2015

Exhibit "A"

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)
MARCH 2015 001665
E-Filing Number: 1503023525

PLAINTIFF'S NAME	DEFENDANT'S NAME
DORIS CLOWNEY	ROBERT DJMARE
PLAINTIFF'S ADDRESS	**DEFENDANT'S ADDRESS**
2371 N. OPAL STREET PHILADELPHIA PA 19132	8400 CARLTON AVENUE BROOKLYN NY 11205
PLAINTIFF'S NAME	**DEFENDANT'S NAME**
	PIERLESS FISH CORP.
PLAINTIFF'S ADDRESS	**DEFENDANT'S ADDRESS**
	5600 FIRST AVENUE BROOKLYN NY 11220
PLAINTIFF'S NAME	**DEFENDANT'S NAME**
PLAINTIFF'S ADDRESS	**DEFENDANT'S ADDRESS**

TOTAL NUMBER OF PLAINTIFFS: 1

TOTAL NUMBER OF DEFENDANTS: 2

COMMENCEMENT OF ACTION
- [X] Complaint
- [ ] Petition Action
- [ ] Notice of Appeal
- [ ] Writ of Summons
- [ ] Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY
- [ ] $50,000.00 or less
- [X] More than $50,000.00

COURT PROGRAMS
- [ ] Arbitration
- [ ] Jury
- [X] Non-Jury
- [ ] Other:
- [ ] Mass Tort
- [ ] Savings Action
- [ ] Petition
- [ ] Commerce
- [ ] Minor Court Appeal
- [ ] Statutory Appeals
- [ ] Settlement
- [ ] Minors
- [ ] W/D/Survival

CASE TYPE AND CODE
2V - MOTOR VEHICLE ACCIDENT

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

FILED
PRO PROTHY
MAR 12 2015
D. SAVAGE

IS CASE SUBJECT TO COORDINATION ORDER?
YES NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: DORIS CLOWNEY

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY
THOMAS S. FARNISH

ADDRESS
LARRIMORE & FARNISH, L.L.P.
1800 JOHN F.KENNEDY BOULEVARD
SUITE 404
PHILADELPHIA PA 19103

PHONE NUMBER
(215)209-8500

FAX NUMBER
(215)209-8510

SUPREME COURT IDENTIFICATION NO.
34656

E-MAIL ADDRESS
Farnish@larrimorefarnish.com

SIGNATURE OF FILING ATTORNEY OR PARTY
THOMAS FARNISH

DATE SUBMITTED
Thursday, March 12, 2015, 01:28 pm

FINAL COPY (Approved by the Prothonotary Clerk)

LARRIMORE & FARNISH, L.L.P.
BY: THOMAS S. FARNISH
I.D. NO: 34656
1800 J.F.K. Boulevard, Suite 404
Philadelphia, PA 19103
(215) 209-8500

Filed and Attested by
ATTORNEY FOR PLAINTIFF
12 MAR 2015 01:28 pm
D. SAVAGE

MAJOR CASE - NON JURY

DORIS CLOWNEY
2371 N. Opal Street
Philadelphia PA 19132

vs.

ROBERT DJMARE
8400 Carlton Avenue
Brooklyn NY 11205

AND

PIERLESS FISH CORP.
5600 First Avenue
Brooklyn NY 11220

IN THE
COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY

March TERM, 2015

NO: 001665

CIVIL ACTION COMPLAINT
2V - Motor Vehicle Accident

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. you are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you buy the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property of other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERENCE SERVICE
One Reading Center
Philadelphia PA 19107
(215) 238-6300

AVISO

Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las paginas siguientes, tiene viente (20) dias a partir de recibir esta demanda y notificacion para entablar personalmente o por un abogado una comparecencia escrita y tambien para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea advisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO). VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASSISTENCIA LEGAL. ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO..

SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.

SERVICIO DE REFERENCIA LEGAL
One Reading Center
Filadelfia, Pennsylvania 19107
Teléfono (215) 238-6300

Case ID: 150301665

CIVIL ACTION COMPLAINT

1. The plaintiff, **DORIS CLOWNEY**, is a resident of the Commonwealth of Pennsylvania and resides therein at 2731 N. Opal Street, Philadelphia Pennsylvania 19132.

2. At all relevant times herein, the defendant, **ROBERT DJMARE** was a resident of the State of New York, residing therein at 8400 Carlton Avenue, Apartment 4B, Brooklyn New York 11205, and at all relevant times herein **ROBERT DJMARE** acting as the agent, servant, and/or employee of the defendant **PIERLESS FISH CORP.**

3. At all relevant times herein, the defendant, **PIERLESS FISH CORP.** was a corporation existing under and by virtue of the laws of the State of New York, which at all times relevant hereto, was doing business in the Commonwealth of Pennsylvania where it operated its trucks and motor vehicles in furtherance of its business interests and opportunities.

4. On or about May 14, 2013, the plaintiff, **DORIS CLOWNEY,** was the operator of a motor vehicle, which was traveling in a southerly direction on Broad Street, in Philadelphia, Pennsylvania.

5. On or about the said date, the defendant, **ROBERT DJMARE**, was the operator of a motor vehicle, owned by defendant **PIERLESS FISH CORP.**, and was also traveling in an southerly direction on Broad Street, in Philadelphia, Pennsylvania.

6. On the said date, when the motor vehicle owned by defendant **PIERLESS FISH CORP.** and being operated by the defendant **ROBERT DJMARE,** reached a point at or near the intersection of Broad Street and Callowhill Street in Philadelphia, Pennsylvania, it collided with the rear of the motor vehicle being operated by plaintiff, **DORIS CLOWNEY**, resulting in serious and permanent injuries to the plaintiff which are hereinafter more fully described.

7. The negligence and carelessness of the defendants, **PIERLESS FISH CORP.** and their agent, servant, and/or employee **ROBERT DJMARE** consisted of the following:

7.1 Failing to keep a proper lookout;

7.2 Operating said vehicle without due regard for the rights, safety and position of the plaintiff herein at the time and location aforesaid;

7.3 Failing to have said vehicle under proper control;

7.4 Operating said vehicle in disregard for the rules of the road and laws of Pennsylvania, specifically section 3361 of the Motor Vehicle Code;

7.5 Operating said vehicle in a careless manner;

7.6 Traveling at an unsafe speed for the conditions existing on the roadway at that time;

7.7 Following the plaintiff's motor vehicle too closely;

7.8 Failing to properly inspect and maintain the brakes and braking system of the vehicle to insure its proper operation when the vehicle is in operation; and

7.9 Failing to use due care under the circumstances.

8. This accident resulted solely from the negligence and recklessness of the defendants herein, and was in no manner whatsoever due to any act or failure to act on the part of the plaintiff.

9. As a result of such collision, plaintiff received serious injuries including but not limited to: the body; head; neck; chest; shoulders; back; knees; upper and lower extremities; wrists; knees; internal organs; bones; muscles; tissues; nerves; cells; severe shock to plaintiff's nervous system; depression. Some or all of which injuries may be of a serious and permanent nature, have resulted in the loss and/or significant limitation of use of a body function and/or system and all of which have caused plaintiff and may continue to cause plaintiff great pain, suffering and agony and depression, and have prevented plaintiff and definitely will in the future, prevent plaintiff from attending to plaintiff's daily duties and activities.

10. As a further result of this accident, plaintiff has been or will be obliged to receive and undergo medical attention and care, and to incur medical expenses, and plaintiff may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future, all to plaintiff's financial damage and loss.

11. As a further result of this accident, plaintiff has or may suffer a severe loss of plaintiff's earnings and impairment of plaintiff's earning capacity, and has been prevented from pursuing plaintiff's usual daily duties and activities for which she demands recovery from the defendants.

12. As a further result of this accident, plaintiff has sustained and may continue to sustain medical expenses and wage losses in excess of the amount recoverable under the First Party Benefit provisions of plaintiff's insurance policy and for which plaintiff also demands recovery from the defendants.

13. As a further result of the said accident, plaintiff has suffered severe physical pain, mental anguish, depression, loss of enjoyment of life, embarrassment and humiliation, and plaintiff may continue to suffer same for an indefinite length of time in the future.

14. As a further result of this crash, plaintiff's motor vehicle was damaged for the repair or replacement of which she now seeks to be reimbursed.

WHEREFORE, plaintiff demands damages from the defendants in an amount in excess of Fifty Thousand Dollars ($50,000).

LARRIMORE & FARNISH, L.L.P.

BY: [signature]
THOMAS S. FARNISH
Attorney for Plaintiff

Date: 3/12/2015

VERIFICATION

The undersigned hereby verifies that the within document is based on first-hand information and on information furnished to counsel and obtained by him in the course of this lawsuit. The language of the document is that of counsel and not of the affiant. To the extent that the contents of the document are based on information furnished to counsel and obtained by him during the course of this lawsuit, the affiant has relied upon counsel in taking this verification. All statements are founded upon reasonable belief. This verification is made subject to the penalties provided by law in 18 P.S. § 4904 relating to unsworn falsification to authorities.

Doris Clowney

DORIS CLOWNEY

DATE: 3/12/2015

Exhibit "B"

LAW OFFICES OF
Terkowitz & Hermesmann
400 Atrium Drive, Fifth Floor
Somerset, NJ 08875
732-805-2800
Facsimile:732-805-2850

Craig M. Terkowitz
Patrick J. Hermesmann*
Jon Robinson
Andrew M. Horun*
Christina E. Jones Rowe∆
Neil A. DeCostanza
Patrick D. Heller*
Albertina M. Amendola
Michael R. Logue*
Judith E. Collins
Roberto K. Paglione*+

*Also admitted in PA
∆Also admitted in NY
+ Certified by the Supreme Court of NJ as a Civil Trial Attorney

309 Fellowship Road, Suite 200
Mt. Laurel, NJ 08054
(856) 642-4012
Facsimile: (856) 642-4013
Please Reply to Mt. Laurel Office

April 8, 2015

[via regular mail & email: farnish@larrimorefarnish.com]
Thomas S. Farnish, Esq.
LARRIMORE & FARNISH, LLP
1800 John F. Kennedy Blvd., Ste. 404
Philadelphia, PA 19103

RE: Doris Clowney v. Pierless Fish Corp., Robert Djmal et al
PCCP: March Term 2015, No.: 1665

Dear: Mr. Farnish:

Please be advised that this firm has been retained to represent the Defendants in the above-referenced matter. My clients are residents of New York with a principal place of business in New York. Therefore, we intend to remove this case to Federal Court pursuant to diversity jurisdiction 28 U.S.C.A. § 1332(a)(2) and 28 U.S.C. §1441(a).

Because diversity jurisdiction exists, we will remove this case by April 15, 2015 unless you return to us before that time the executed Stipulation to Limit Damages to $75,000. If we do not receive the fully executed Stipulation, then we will have a good faith belief that your client seeks damages in excess of $75,000.

Thank you.

Very truly yours,

/s/ *Robert K. Paglione*
Roberto K Paglione, Esq.

RKP/rp
Enc.

LAW OFFICES OF TERKOWITZ & HERMESMANN
By: Roberto K Paglione, Esq., I.D.#: 87258
309 Fellowship Road, Suite 200
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(856) 642-4012
ATTORNEY FOR DEFENDANTS, Djmal Robert E. Minor (improperly pled as "Robert Djmare") and Pierless Fish Corp.

DORIS CLOWNEY, Plaintiff,	)	COURT OF COMMON PLEAS PHILADELPHIA COUNTY
vs.	)	
	)	No. 150301665
ROBERT DJMARE, PIERLESS FISH CORP, Defendants.	)	

VOLUNTARY STIPULATION TO LIMIT DAMAGES

WHEREAS, Defendant Pierless Fish Corporation is a New York licensed corporation with its primary place of business in Brooklyn, New York, and Defendant Djmal Robert E. Minor (improperly pled as "Robert Djmare") is a resident of Brooklyn, New York, and the Defendants have the right to remove this matter to the appropriate Federal Court, **IT IS AGREED AND STIPULATED AS FOLLOWS:**

1. Plaintiff acknowledges that Defendants have the right to remove this case to Federal Court based upon diversity jurisdiction absent this Stipulation;
2. Plaintiff hereby stipulates and agrees to limit her damages, exclusive of interest and costs, to $75,000 in this action against all Defendants;
3. Defendants agree to not remove this matter to Federal Court based upon this voluntary Stipulation by Plaintiff to limit her recovery and damages to $75,000.

WHEREFORE, on this _____ day of April, 2015, the parties agree and Stipulate as above to limit damages to $75,000, exclusive of costs and interest, and this case will therefore not be removed to the United States District Court for the Eastern District of Pennsylvania through and by their respective undersigned counsel.

LARRIMORE & FARNISH, LLP

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Thomas S. Farnish, Esq
Attorney for Plaintiff

LAW OFFICES OF TERKOWITZ & HERMESMANN

Dated:

____

By: Roberto K Paglione, Esq./I.D.# 87258
Attorney for Defendants